

#428
BILL NO. Z-90-05-13

ZONING MAP ORDINANCE NO. Z- 05-90

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. K-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Beginning at a point on the east line of St. Mary's
Avenue 46 feet south of the intersection of the east
line of St. Mary's Avenue and the south line of Burgess
Street, in the City of Fort Wayne; thence south on the
east line of St. Mary's Avenue a distance of 68 feet;
thence east along the north line of Lot No. 38 in
Pape's Third Addition a distance of 126.5 feet; thence
north 10 feet; thence east 14.5 feet; thence north a
distance of 58 feet; thence west a distance of 141 feet
to the place of beginning. Commonly known as 924-926
St. Mary's Avenue.

and the symbols of the City of Fort Wayne Zoning Map No. K-
6, as established by Section 11 of Chapter 33 of the Code of
the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCauley
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Delmonico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 5-22-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by Delmonico, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>			<u>2</u>
<u>BRADBURY</u>				<u>✓</u>
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>				<u>✓</u>
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 6-26-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-05-90 on the 26th day of June, 1990

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1990, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of June, 1990, at the hour of 4:00 o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

RECEIPT

OK H 12902

No 7295

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., April 4 1990

RECEIVED FROM Driffin Healy & Air Conditioning \$ 100⁰⁰

THE SUM OF One Hundred And no/one hundred ¹⁰⁰ DOLLARS

ON ACCOUNT OF Rezeving Application 924 - St Mary's

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

W. E. O'Neil

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We BRUCE S. GRIFFIN

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an B3B District the property described as follows:

TWO STORY DUPLEX AND GARAGE; ONE SIDE OF BLDG. & GARAGE
HAS BEEN REZONED AS A VARIANCE AS B3B

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 924-926 ST. MARV'S AVE.

FORT WAYNE, INDIANA 46808

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

BRUCE S. GRIFFIN

1106 W. STATE ST.

Bruce S. Griffin

FORT WAYNE, IND.

46808

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

BRUCE S. GRIFFIN
(Name)

1106 W. STATE ST. 46808
(Address & Zip Code)

483-6683
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

BEGINNING AT A POINT ON THE EAST LINE OF ST. MARY'S AVE. 46 FEET SOUTH OF THE INTERSECTION OF THE EAST LINE OF ST. MARY'S AVE. AND THE SOUTH LINE OF BURGESS STREET, IN THE CITY OF FORT WAYNE, THENCE SOUTH ON THE EAST LINE OF ST. MARY'S AVE. A DISTANCE OF 68 FEET; THENCE EAST ALONG THE NORTH LINE OF LOT NO. 38 IN PAPE'S THIRD ADDITION A DISTANCE OF 126.5 FEET; THENCE NORTH 10 FEET; THENCE EAST 14.5 FEET; THENCE NORTH A DISTANCE OF 58 FEET; THENCE WEST A DISTANCE OF 141 FEET TO THE PLACE OF BEGINNING. COMMONLY KNOWN AS 924-926 ST.MARY'S AVENUE.

Owners of Property

BRUCE J. GRIFFIN

1106 W. STATE ST.

Bruce J. Griffin

FT. WAYNE, IND. 46808

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

Commercial,
Commercial
and Industrial
Building Design
Airport Design

Sewerage and Drainage Systems Surveys and Reports

Certificate of Survey

in the City of Fort Wayne, Indiana, in accordance with the plat thereof on file in the office of the Recorder of Allen County, Indiana. Any exceptions or discrepancies are noted below. Measurements were made and corners perpetuated and established as indicated on this sketch.

Hand-drawn site plan of a property bounded by St. Marys Ave. and Burgess St. The plan shows a large rectangular lot with dimensions 141.0' by 126.5'. Inside the lot is a building with a footprint of 40.5' by 24'. To the left of the building is an 'open porch' area. The lot is divided into several sections by lines, with dimensions such as 46', 68', 43', 19.5', 12.5', 10', 2', 28', 37.2', 58', 14.5', and 10'. The plan also shows a 'stake' location and a 'g. stake' (gas stake) location. The surrounding streets are labeled 'ST. MARYS AVE.' and 'BURGESS ST.'.

Signed Bernard R. Repp
Registered Professional Civil Engineer

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-05-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 21, 1990.

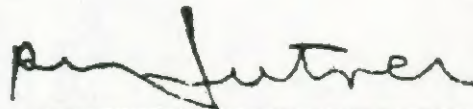
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 4, 1990.

Certified and signed this
6th day of June 1990.



Robert Hutner
Secretary

#4/28
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Amendment - C&ED

SYNOPSIS OF ORDINANCE 924 & 926 St Marys Avenue

2-90-05-13

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi-Family Residential
Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

Z-90-05-13

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment
From R-3 to B-3-B

DETAILS**Specific Location and/or Address**

924 & 926 St Marys Av

Reason for Project

Expansion of existing legal non-conforming use.

Discussion (Including relationship to other Council actions)

21 May 1990 - Public Hearing

See Attached Minutes of Meeting

4 June 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Bruce Griffin
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**

☐ For ☒ Against

Reason Against
- approval would have a negative impact on the residential integrity of area

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

**CITY COUNCIL
ACTIONS**
(For Council
use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 4 April 1990

Projected Completion or Occupancy

Date 6 June 1990

Fact Sheet Prepared by

Date 6 June 1990

Patricia Biancaniello

Reviewed by

Date 6/7/90

H. Magro

Reference or Case Number

Change of Zone #428
From R-3 to B-3-B
924 & 926 St Marys Av

Bruce Griffin, 1209 W Fourth Street, petitioner appeared before the Commission. Mr. Griffin stated that he has been running "Griffin Heating and Air Conditioning" on the property in question for approximately 9 years. He stated they have been running the business with the approval of the Board of Zoning Appeals. He stated that they now wish to expand and make improvements to the business but are hesitant to do so with only a variance for permission. He stated that they are afraid to invest a great deal of money without the proper zoning. He stated that they have already invested in the property and upgraded it with landscaping and repairs to the structure as well as tearing down a dilapidated house to the south of their property. He stated that they want to stay in this location and make even more improvements to this property. He stated he felt their plans would upgrade the community. He stated that they are somewhat surrounded by commercial businesses to the north and east of their property. He stated that they also employ approximately 5 to 6 people who live in the neighborhood and by expanding could add to their future employment.

Gerry Deal, President of the Hamilton Association for Neighborhood Development appeared before the Commission. She presented the Commission with a letter from the association stating that they were in favor of and supported the rezoning request of Mr. Griffin's. She stated that Mr. Griffin had met with the association in March and explained his plans to them. She stated that after the discussion with Mr. Griffin the Board and members of the association felt they could support the rezoning request. Mrs. Deal stated that Mr. Griffin has maintained his business well and has been a good neighbor. He is an active member of the association. She stated that the Board felt his request would be a reinvestment and an asset to the area.

John Shoaff stated that there is residential zoning to the west and south of the property.

Mr. Griffin stated that there are businesses to the north and east. Mr. Griffin stated that they are considering purchasing the present commercial zoned property to the north but do not want to invest if their property is not legally zoned for their use. He stated the business on the corner is in disrepair and they are willing to invest in the property to improve the structure.

Mark Gensic questioned if Burgess Street was parallel with the railroad spur.

Mr. Griffin stated that it does. He stated it is north of Burgess Street about one block.

Mel Smith questioned how long Mr. Griffin had been located on St. Mary's Avenue.

Mr. Griffin stated that he had been located on St. Mary's approximately 9 to 10 years.

Mel Smith questioned what would happen if this property is not rezoned.

Mr. Griffin stated that it will hinder there growth. He stated that this will prevent them for upgrading the structure they are located in and making the structure more visually appealing to the area.

Wil Smith questioned what they have already done in the area to halt deterioration.

He stated that they purchased and have demolished a dilapidated two story house just adjacent to their property. He stated they have put a new deck on the front of their building. He stated that they have done some landscaping. He stated they have also put in their own sidewalks. He stated that they have removed shrubs and brush from the area and gravelled areas that were nothing but mud. He stated that there are more improvements they would like to do but are afraid to invest the money without the proper zoning.

Mr. Griffin stated that they would also like the rezoning in order to place some signs on the property advertising the business.

David Long questioned Mrs. Gerry Deal as to why they feel that this rezoning would have a positive impact on the area.

Mrs. Deal stated that Mr. Griffin has taken good care of the property. He has made improvements and made the area look nice. She stated he has told them he wants to do more upgrading to the property. He also wants to purchase the building on the corner and upgrade that property and structure. She stated that they have been an asset to the area.

David Long questioned how the people in the immediate area feel about the rezoning.

Mrs. Deal stated that Mr. Griffin informed her that he can get the people to come down and testify to the fact that they are in favor of the request.

David Long stated that one of the reasons the staff has recommended Do Not Pass is they see this as further commercial encroachment into an area that is coming back to its residential integrity.

Mr. Deal stated she did not see that with Mr. Griffin's business.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

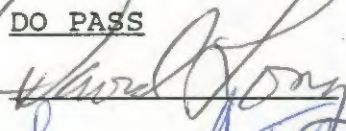
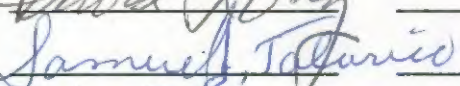
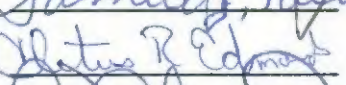
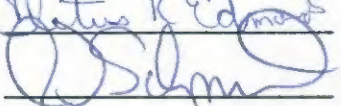
BILL NO. Z-90-05-13

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) _____ amending the City
of Fort Wayne Zoning Map No. K-6

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) _____

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____

DATED: 6-26-90.

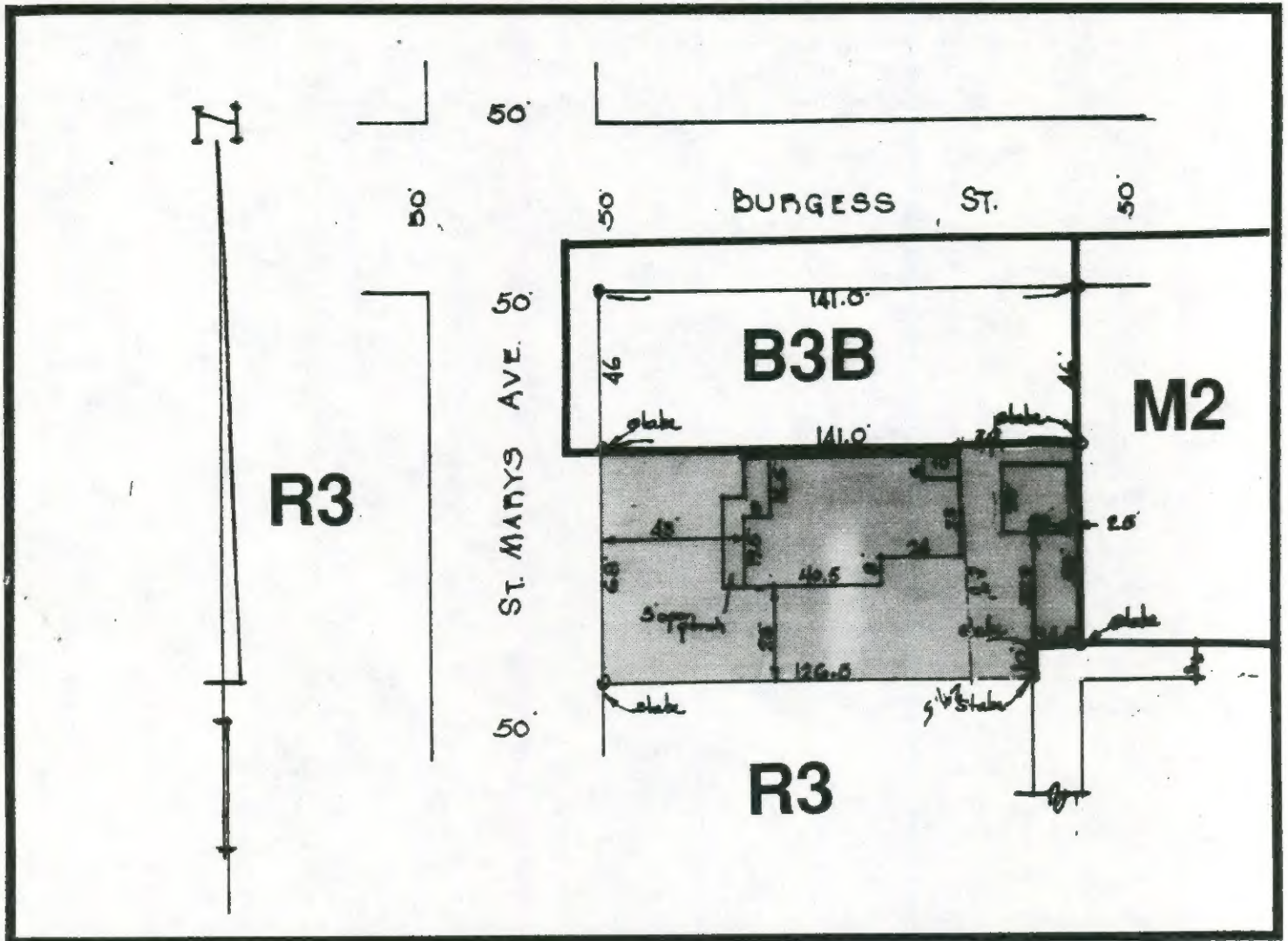
Sandra E. Kennedy
City Clerk

REZONING PETITION #428

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R3 DISTRICT TO A B3B DISTRICT.

MAP NO. K-6

COUNCILMANIC DISTRICT NO. 4



ZONING:

R3 RESIDENTIAL DISTRICT

B3B GENERAL BUSINESS "B"

M2 GENERAL INDUSTRY

LAND USE:

☐ SINGLE FAMILY

☐ COMMERCIAL

SCALE: NTS

LW
DATE: 4-26-90

